Discrimination, harassment, sexual harassment or degrading treatment

Statutory requirements and KTH responsibility

Routines for employees who are responsible for receiving reports and/or investigating allegations in these fields.
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Introduction

The Royal Institute of Technology value platform is based on democracy, human equality, human rights and freedoms and free and open discussion. Equality between women and men, diversity and rejection of all forms of discrimination form both a quality issue and an integral part of the KTH value platform.\(^1\)

KTH applies zero tolerance towards all forms of discrimination, harassment, sexual harassment or degrading treatment (victimisation)\(^2\).

One prerequisite for achieving the goal of zero tolerance is that KTH becomes actively engaged in promotion and prevention activities, and communicates clear routines and procedures for how reports and investigations are carried out in cases in this field.

KTH conducts targeted operations aimed at promoting equal rights and opportunities regardless of gender, gender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

KTH takes action to prevent and stop anyone in its operations being subjected to harassment based on discriminatory grounds. If KTH becomes aware that someone in its operations considers him/herself to be the victim of discrimination, harassment, sexual harassment or degrading treatment, KTH will investigate the circumstances and, where appropriate, take any measures that can reasonably be demanded to prevent abuse in the future.\(^3\)

With active HR and student policies and openness and concern for employees and students, the risk of discrimination, harassment, sexual harassment or degrading treatment (victimisation) will decrease and evolve over time. Unresolved, long-term problems may cause negative mental stress for both the individual and the working/student group which may in turn lead to cooperation difficulties, mental or physical illness, sick leave, etc.

The target group for this description of procedures is primarily the KTH employees who have the task of receiving reports on and/or investigating these cases. This document has been prepared in order to brief those concerned about what discrimination, harassment and degrading treatment are and explain the different concepts, provide information on responsibility, legislation and procedures for how KTH is to investigate individual cases.

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\(^1\) KTH Ethics Policy Reg. No. V2014-0516

\(^2\) Gender equality, diversity and equal opportunity action plan at KTH 2014-2016.

Definitions

The concepts and definitions used in this document are primarily based on the definitions set out in the Discrimination Act (2008:567) and the Work Environment Authority instructions AFS 2015:4 Organisational and social Work Environment.

Employee – a person who is employed by KTH.

Co-workers – all employees and associated individuals who work and operate at KTH (without an employment relationship existing) e.g. scholarship holders, trainees and industrial doctoral students.

Underlying causes

Underlying causes may include structural problems or shortcomings in the organisation or management of work, lack of clarity in management/teacher responsibility, poor internal communication, lack of workplace dialogue about the work ethics that apply, abuse of power, workload too heavy or too light or deficiencies in HR/student policies. Norms, procedures and approach are structures that may systematically discriminate against certain groups of people.

The cause may also lie in individual behaviour as a result of personal problems, illness etc. which means that the individual does not feel well and acts out their dissatisfaction in a manner that could damage or provoke his/her surroundings. Long-term organisational problems and deficiencies may lead to stress tolerance decrease in working or student groups and can lead to scapegoating. Social exclusion and degrading treatment (victimisation) may result.

Conflicts

Discrimination, harassment, sexual harassment or degrading treatment (victimisation) should not be confused with such occasional conflicts, disagreements or problems in partner relationships that can occur in working and learning environments. These can be solved through dialogue, listening, accepting and respecting others' right to their own opinion.

Examples of conflicts;

• Employee/student or manager/teacher have different opinions and disagree about the operational/education focus or approach, different views on the allocation of authorities/responsibilities or salaries/grades.
• There are cooperation problems in working or student groups. These may have several underlying causes.

An ongoing conflict in which participants have lost their mutual recognition and respect may, however, form an underlying cause of discrimination, harassment or degrading treatment (victimisation).
Discrimination

According to the Discrimination Act (2008:567), discrimination is a violation of the principle of equal treatment. Discrimination means that an employer or education provider, for unjustified reasons, treats an employee/student less well than others, and this treatment is related to discriminatory grounds (gender, gender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age).

The Discrimination Act prohibits discrimination by employers and education providers. This prohibition also extends to applicants for courses/work, interns and temporary or seconded employees. Instruction to discriminate is considered by this legislation to be discrimination.

The Discrimination Act also prohibits retaliation against reporting such acts, e.g. if an employee/student has reported or drawn attention to a problem.

In some cases it is also possible to appeal a decision made by the university to the University Appeals Board on the grounds that it violates the prohibition of discrimination in Chapter 2, Section 5 of the Discrimination Act or the prohibition of reprisals in Chapter 2, Section 19 of the Discrimination Act.

Direct discrimination

Discrimination Act (2008:567) Chapter 1, Section 4
Direct discrimination: someone is disadvantaged by being treated less favourably than another is, has been or would be treated in a comparable situation, if this disadvantaging is associated with gender, gender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age).

Examples of direct discrimination:
- You are a man applying for a job in competition with several women who are not as well qualified in aspects such as education background or work experience and one of the women gets the job.
- A female student asks a question during a seminar and is totally ignored by the teacher. The same question is asked by a male student a moment later and he receives a response from the teacher.

Indirect discrimination

The Discrimination Act (2008:567)
Indirect discrimination: someone is disadvantaged by the application of a provision, criterion or procedure that appears neutral but that may be especially disadvantageous to individuals of a particular gender, transgender identity or expression, ethnic origin, particular religion or belief, certain disability, sexual orientation or a certain age.

Examples of indirect discrimination;
- An employer requires a higher level knowledge of Swedish to be included as a requirement in a research project than is necessary for the job.
Classroom availability makes it impossible for a teacher/student with a particular disability to teach/participate.

**Harassment**

Harassment is behaviour that violates a person’s integrity and that is associated with one of the grounds for discrimination: gender, gender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

Examples of harassment:
- Patronising, ridiculing comments referring to the individual’s gender, origin, sexual orientation or disability.
- Perhaps withholding information, as a systematic method of excluding someone due a discriminatory grounds.

Employees/students are entitled to a workplace/university free from harassment. This applies whether the harasser is an employer’s representative/employee or another student.

The comments to the Discrimination Act state that the harasser must be aware that the behaviour is perceived as offensive. It is therefore important that those who feel harassed make clear to the harasser that the behaviour is unwelcome and uncomfortable and must end.

In serious or obvious cases where it is clear that the behaviour is unwelcome, the victim does not need to speak up for it to be a case of harassment.

**Sexual harassment**

Sexual harassment: conduct of a sexual nature that violates a person’s integrity. This may involve touching, pawing, jokes, suggestions, looks or images that are sexually allusive and often perceived in a derogatory manner. Sexual harassment differs from ordinary flirting in that it is considered or perceived as unwelcome. Harassment commonly makes a person feel insulted, threatened, upset or mistreated. The victim decides what behaviour she or he deems insulting, threatening or abusive.

**Degrading treatment, victimisation**

The Work Environment Act sets out the basic rules regarding the employer’s responsibilities.

The concept of degrading treatment (victimisation) is taken up in general instructions AFS 2015:4 Organisational and social work environment.

Degrading treatment (victimisation) means actions directed at one or more employees/students in an offensive manner that may lead to ill health or that these individuals are excluded from the workplace community.

Actions that may make a person or people feel ostracised or marginalised could include:

- Patronising and ridiculing comments referring to the person’s gender, origin, sexual
orientation or disability.
• To slander or denigrate someone.
• To sabotage or obstruct an individual’s work, for example by withholding information or giving false information.
• Systematically ignoring an employee/student, for example, by withholding information or giving false information.
• Criticising and/or ridiculing a person in front of other people.

Other terms often used to describe similar behaviour are bullying, physical violence or social exclusion. This approach involves gross disrespect and is a breach of the general concepts of honour and morals concerning how people should be treated.

Expulsion and ostracism are the two main types of degrading treatment (victimisation). Expulsion is all about active, destructive acts directed toward a person, and ostracism concerns behaviour patterns that demonstrate that a person is of "lesser importance".

The person or people who have been subjected to this behaviour determine what is to be considered degrading treatment.

**The difference between harassment and degrading treatment (victimisation)**

It can be difficult to distinguish between the concepts of harassment and degrading treatment (victimisation), but there are some differences that can be summarised as follows:
• Unwanted and abusive behaviour that bears no relationship to gender, gender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age falls under the concept of harassment under the Discrimination Act.
• Other unwelcome (e.g. expulsion and ostracism) behaviour may fall under the concept of degrading treatment (victimisation) under the Work Environment Act and national instructions concerning the organisational and social work environment, AFS 2015:4.
KTH obligations as an employer and education provider

The President of KTH has the ultimate responsibility for maintaining a good working/study environment. In order for Work Environment management to be carried out successfully, the President has delegated these tasks to the Heads of Schools. Heads of Schools in turn may allocate further tasks to department managers.

According to the Discrimination Act, KTH must work proactively to prevent any employee/student being exposed to discrimination, harassment, sexual harassment or reprisals associated with gender, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.

Furthermore, KTH will work actively in the form of purposeful measures to promote equal rights and opportunities for students/employees who are participating/working or applying to join operations.

The same applies to employees during e.g. recruitment and concerning salary issues.

KTH is also obliged to investigate and take measures which means that if KTH becomes aware that anyone in their operations considers themselves the victim of discrimination, harassment, sexual harassment, degrading treatment (victimisation) the situation will be promptly investigated and measures taken.

KTH under the Work Environment Act and national instructions on organisational and social work environment (AFS 2015:4) will plan and organise work so as to prevent degrading treatment as far as possible4.

Each employee/student at KTH also has a personal responsibility in their everyday meetings with colleagues, students, and fellow students to treat everyone with respect and to prevent discrimination, harassment, sexual harassment or degrading treatment (victimisation).

Active measures

Work on active measures involves carrying out preventive and promotion work. To investigate whether there are risks of discrimination, reprisals or other obstacles to individuals' equal rights and opportunities at KTH regardless of sex, gender identity or expression, ethnicity, religion or other beliefs, disability, sexual orientation or age. Any discoveries must be analyzed and reasonable measures taken. The work / measures shall be followed up and evaluated.

KTH’s work on active measures covers the specified areas in Chapter 3. Section 5 and Section 17 of the Discrimination Act.

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4 Work Environment Agency instructions AFS 2015:4 Organisational and Social Work Environment
The employer/education provider must ensure that the facts are investigated and that abuses cease.

Examples of situations when an employee/student:

1) Feels that they have been subjected to discrimination, harassment, sexual harassment or degrading treatment (victimisation) by another employee/student and files a report.

2) Discrimination, harassment, sexual harassment or degrading treatment (victimisation) by another employee/student is observed and reported by another employee/student.

Procedural routines for how KTH, is to investigate discrimination, harassment, sexual harassment or degrading treatment

These routines are provided for KTH employees who receive such reports or conduct such investigations.

The procedure is divided into the steps stated in legislation: report, registration of report, investigation/documentation, decision/action and follow-up.

Report and investigation

Perceived discrimination, harassment, sexual harassment or degrading treatment (victimisation) must be notified to the School HR manager and/or the school student guidance counsellor and/or other designated school administrators. This is primarily so that KTH will be able to take action and stop any abuse.

KTH must act as soon the relevant employee is made aware of the situation, for example through individual observations or by an employee or student reporting that someone has been exposed to abuse. No notification is required from the person who has been the victim of the abuse.

The Discrimination Act also includes prohibitions against retaliation in Chapter 2, Section 18. This primarily applies to retaliation in the form of punitive measures directed against the person who filed the report or drew attention to the situation where the employer/education provider was violating anti-discrimination legislation.

In addition to reporting to KTH, any employee or student who is a member of the union/student union, or any other association, has the opportunity to contact their organization as these, under the Discrimination Act, are entitled to represent the victims in their contacts with KTH (as employer/education provider).

Individuals or their representatives may also make a complaint directly to the Discrimination Ombudsman at www.do.se. A notification to DO must be related to a discriminatory ground i.e. gender, gender identity or expression, ethnicity, religion or
other belief, disability, sexual orientation or age.

There are no particular formal requirements for filing such a report at KTH. For degrading treatment, the form used for the notification of workplace environment incidents can be utilised. More info at [https://intra.kth.se/anstallning/arbetmiljo/anmalan-av-tillbud-risk-och-arbetsskada-1.490817](https://intra.kth.se/anstallning/arbetmiljo/anmalan-av-tillbud-risk-och-arbetsskada-1.490817)

KTH procedure is to take action even if the person reporting and/or the victim wishes to remain anonymous.

The primary rule is that the matter will be investigated and dealt with at the school where the problem occurred.

It is vital that KTH remains impartial and that the investigation is carried out as discreetly as possible in order to establish what has happened. In exceptional cases, it may be necessary to involve central level. This applies, for example, if it has not been possible or for various reasons is not appropriate, to investigate at department/school level.

The Head of School may submit a request to the HR Manager or the Head of Student Services, depending on the case, asking that the investigation be undertaken centrally but only when the Head of School believes that the school has exhausted all its resources and cannot complete the investigation. The HR Manager/Head of Student Services determines whether the case should be investigated centrally.

Reporting and investigation must be carried out **promptly, objectively, in a legally secure manner and must be documented and followed up**.

Legal penalties may be issued to KTH if, as the employer/education provider, it does not comply with the Discrimination Act and the Work Environment Act and does not fulfil its obligation to investigate discrimination, harassment, sexual harassment or degrading treatment (victimisation).

**Possible consequences**

The President may report the matter to the Staff Disciplinary Board/National Disciplinary Board who may impose warnings, salary deductions, may prosecute and/or dismiss an employee.

Matters concerning a student who exposes another student or an employee at the university to such harassment as is referred to in Chapter 1, Section 4 of the Discrimination Act (2008:567) or degrading treatment (victimisation) under the Work Environment Act, if reasonable suspicion exists, will be reported to the President for
further investigation as a disciplinary matter. The Disciplinary Board may impose disciplinary action against students, such as temporary suspension from studies.

Employees who receive such reports from employees/students

• Make your role extremely clear and tell them about the additional people you may have to contact and/or may have to submit the case for investigation to. Maintain an objective and solution-focused approach and treat the victim/reporter with respect. Document everything. Inform the person reporting about the counsellors and support functions available. Occupational health care, health and safety representatives, unions, student health and the THS student welfare representative.

• Submit the report and documentation to the relevant function in your organisation.

• Reporting must be made promptly and, depending on the type of case, be submitted to the School HR Manager, the School Student Guidance Counsellor or the relevant School administrator. Cases involving employees to be submitted to the HR Manager at each school. Cases involving students to be submitted to the student counsellors at each school or the employee appointed by the School. Cases involving both employees and students to be submitted to the School HR Manager and the Student Counsellor. The minimum of time possible should pass between the discrimination or degrading treatment (victimisation) reported and notification to the relevant functions in the School in order to maintain zero tolerance.

Investigation documentation and assessment

Investigating and documenting

• You are aware that an employee or a student considers themselves to have been subjected to some form of discrimination, harassment, sexual harassment or degrading treatment. The report may be made in any form, verbally, written anonymously or by notification of incident of degrading treatment. Examine only what occurred. Other aspects may be brought up concerning cooperation difficulties, weak leadership, irregularities that occurred in the past, past wrongs. These should be noted and placed to one side. (This information may be important in another context and should therefore be kept.) Document everything on the case day by day and keep a logbook of interviews, text messages, emails and all other documentation.

• Cases relating to discrimination, harassment, sexual harassment and degrading treatment (victimization), will be registered as official documents at KTH. Once you have received a notification, contact the registry UF (registrator@kth.se) to retrieve a reference number from a special VP series. At the same time, you inform the registrar that there is confidentiality in the matter.
The documents that are to be performed are:

1. Notification
2. In and outgoing letter with appendices
3. Investigation. All material on which the decision is based shall be registered as official documents, service notes, pictures, drawings, sms, mail etc..
4. Decision on action plan.

Once the case is completed, you will file the above-mentioned documents to the registrar for registration and archiving. Keep in mind that the documents should be clearly divided, so that you can easily see what types of actions it is.

Inform the person reporting about privacy, registration of matters and KTH’s obligation to take action. In this type of case (discrimination, harassment, sexual harassment or degrading treatment, victimisation), certain personal data supplied for the investigation may be important material and may, in exceptional cases, be made/become public.

- In cases of perceived discrimination, harassment or sexual harassment, the employee/student is informed of their opportunity to report the matter directly to the Discrimination Ombudsman at www.do.se.
- In cases of perceived degrading treatment, (victimisation) employees will be informed of the opportunity to report the matter as an incident. More information on this at https://intra.kth.se/anstallning/arbetsmiljo/anmalan-av-tillbud-risk-och-arbetsskada-1.490817
- Tell the notifier to report the incident or incidents to a police officer on suspicion that a crime has been committed. KTH's investigation shall proceed in parallel with any police’s work
- As the investigator you assess whether additional competencies are needed in order to perform the investigation e.g. HR specialist, lawyer and or Head of Security. This additional expertise assessment is carried out on a continuous basis during the investigation. The investigation must be carried out by people with no vested interest. It is important to check that there are no conflicts of interest no relatives/neighbours/children in the same nursery school/etc. as the people involved in the investigation.
- As the investigator you may recommend that individuals or groups seek support from Occupational Health Services, Student Health, the unions or the student union during the investigation.
- Throughout the investigation, the investigator obtains a picture of what happened and must remain strictly objective. The investigation will comprehensively examine what occurred and also include an analysis of the causes of the incident, based on interviews with those directly involved. There may also be additional material such as images, texts, emails, etc.
• The investigation is confidential in relation to third parties. Complete confidentiality prevails while the investigation is ongoing. The study will culminate in a written report that is property of the employer.

• This report is not anonymous. Those who make statements in the case must be prepared to stand for what they say. They may later be called to witness at the Staff Disciplinary/National Disciplinary Boards, the Labour Law Court or the police.

• Initially, hold an interview with the victim. Listen and ask questions, treat the person with respect. What has happened? Who is involved? When did it happen etc? Also ask if the victim has taken further legal action, a police report or notification to the DO.

• Inform them about KTH zero tolerance. Please make sure there are two employees at the interview, one investigator who asks the questions and one administrator who can record and document.

• Call the suspected employee/employees as soon as possible after the interview with the victim. Interview the person/people who are said to be behind the unwelcome behaviour and listen to their version of what happened. Listen and ask questions, treat the person/people with respect. What has happened? Who is involved? When did it happen etc?

• It is important to raise the awareness of the person/people involved that his/her/their actions have been perceived as discrimination/harassment/sexual harassment/degrading treatment(victimisation) even if it might not have been their intention and inform them about the KTH zero tolerance policy in these matters. Please make sure there are two employees at the interview, one investigator who asks the questions and one administrator who can record and document.

• Inform the function concerned that the investigation is ongoing: Head of School, school administration manager, the suspect’s manager, Head of Department.

• The next step is for you as investigator is to consider whether it is appropriate and useful to have a meeting of everyone involved, i.e. the victim and the perpetrator.

• If the parties give different descriptions of what happened, it is your responsibility as the investigator to form your own opinion, make your own assessment and analysis of whether discrimination/harassment/sexual harassment/degrading treatment (victimisation) has occurred or not. It may e.g. be time to talk to employees and/or fellow students, health and safety officers and student health and safety to get a clearer picture of what happened.

• Determine what the case is based on; grounds for discrimination or degrading treatment (victimisation) or a conflict?

• Everyone involved in the investigation will be shown the material and given the opportunity to reply, insofar as is practicable.
• At the end of your investigation, write a short summary, an assessment and a draft decision. If you, as the investigator, come to the conclusion that there had been discrimination/harassment/sexual harassment/degrading treatment (victimisation), it is necessary to establish a draft action plan to ensure that the abuse/unwelcome behaviour is to stop

• Always act promptly, document everything and follow up

Support to the individuals involved

Sometimes the situation may be experienced as so difficult that individual assistance for the people concerned is necessary during the investigation, i.e. before a decision is taken on the matter.

Support may be provided by occupational/student health or the relevant union/student union. It is vital that the same person does not provide support to both/all parties concerned.

Support may also be provided in the form of a person who the victim trusts, such as a co-worker, classmate, health and safety representative or student health and safety representative.

Investigator's assessment, recommended measures and proposed decision

Your responsibility as investigator is to form your own opinion, to make your own assessment as to whether discrimination/harassment/sexual harassment or degrading treatment (victimisation) has occurred.

At the end of your investigation make a brief summary, give your assessment and a proposed decision. If you, as investigator in your report, come to the conclusion that discrimination/harassment/sexual harassment/degrading treatment (victimisation) has occurred, a proposal for an action plan is required in order to ensure that the situation/unwelcome behaviour ceases.

Investigator's assessment

The assessments that may be used include:

• Discrimination/harassment/degrading treatment (victimisation) is deemed not to have occurred or could not be proved.

• Discrimination/harassment/degrading treatment (victimisation) is deemed to have occurred.

The investigator's recommended course of action

Actions that may be recommended include:

• An action plan

• Police report according to Public Employment Act, Section 22 (concerns employees)

• Labour law/student law consequences
**Action plan**

Head of school and/or designated person responsible for the study environment, decides on action plan to end the misconduct and not repeat. The actions in the action plan are based on what has been found in the investigation and the analysis that has been made. The individual action plan shall be a document that is dated together with the investigation and the decision. The action plan and the investigation shall be confidential and therefore not available to all. Interested parties are informed of the action plan.

The action plan must clearly state what should be done, who is responsible for making and when to do it (schedule). It is also important to enter in the action plan how the follow-up of the measures should be addressed. When, in what way and who is responsible for it being done.

**Follow-up of action plan**

Book time for follow-up at different time intervals. Responsible investigator or appointed person/administrator must ensure that the unwelcome behavior has been terminated during the specified time and ensure that the action plan is revised as necessary.

Follow-up/revision and evaluation of the action plan shall be documented in writing. If the problems persist, the case shall be re-examined for the purpose of terminating the unwelcome behavior/ misunderstandings.

**The investigator's proposed decision**

Once the investigation (including assessment and recommended action/action plan) is completed, make your decision as the investigator. Keep in mind that information included in a decision is not covered by confidentiality requirements. Decisions are taken by the relevant Head of School and/or employee responsible for the study environment and communicated to all interested parties and, as appropriate, union representatives and/or representatives of the student union/student health and safety.

Decisions are to be registered. Decisions that may be taken include:

- In the light of the investigator’s finding that discrimination/harassment/degrading treatment (victimisation) has not been, or could not be, proved the **decision is no further action**. The decision is communicated to the parties concerned and the case is closed.

- In the light of the investigator’s finding that discrimination/harassment/degrading treatment has taken place but that **corrective actions have already been taken during the investigation, the decision is no further action**. The decision is communicated to the parties concerned and the case is closed.
• In the light of the investigator’s finding that discrimination/harassment/degrading treatment (victimisation) has taken place, the decision is further action in the form of an action plan.

• Case involving an employee:
  In the light of the investigator’s finding that discrimination/harassment/degrading treatment (victimisation) has taken place and is deemed to be of such a serious nature that labour law-related sanctions (warning, salary deduction, termination or dismissal) are required as concerns the employee, the decision is that the case be referred to the President for review by the Personnel Disciplinary Board/the National Disciplinary Board.

• Case involving a student:
  In the light of the fact that the investigator has found that there is well-grounded suspicion that a student has exposed one or more other students or employees at the University to discrimination/harassment/sexual harassment/degrading treatment (victimisation), the decision is that the case be reported to the President for review by the Student Disciplinary Board.

Internal reporting obligation

As support for monitoring, evaluation and preventive measures, the completed anonymised case is to be reported to the Secretary of the Central Liaison Group (CSG) theme JMK.

Confidentiality assessment

The relevant administrator must carry out a confidential review of the decision and a confidentiality assessment on the basis of the information contained in the documents (with the exception of the action plan, see above).

Confidentiality provisions can be found in Chapter 21 of the Act on the Openness and confidentiality of information about an individual’s health and residential address or other comparable information.

Furthermore, there are confidentiality provisions in Chapter 39, Sections 1-3 of the same Act for HR social and administrative activities.
Legislation and regulations

Discrimination and degrading treatment are covered by legislation and regulations. The most relevant are summarised below.

The Discrimination Act (2008:567)

Discrimination Act seeks to combat discrimination and in other ways promote equal rights and opportunities regardless of gender, gender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age. The Act contains, inter alia, definitions, provisions prohibiting discrimination and retaliation, the obligation to investigate and provisions on affirmative action. The Discrimination Ombudsman (DO) supervises compliance with the law. If KTH violates discrimination legislation, the university may be required to pay compensatory damages. See also www.do.se

The Work Environment Act

The Work Environment Act (1977: 1160) covers physical, organisational and social activities, and is consequently an important part of legislation that may be used in cases of degrading treatment.

The Work Environment Authority has issued general instructions: Organisational and Social Work Environment (AFS 2015: 4). These state that the employer must plan and organise work so as to prevent degrading treatment as far as possible and make clear that this behaviour it is not accepted in its operations.

The Work Environment Act and the Work Environment Ordinance (1977:1166) defines the framework for work environment activities. The employer’s obligation to investigate what happened is, according to health and safety legislation, primarily in order to take measures to ensure that the incident is not repeated. The employer cannot be required to pay compensation to the victims of degrading treatment. See also www.av.se

Parental Leave Act (1995:584)

In accordance with Section 16 of the Parental Leave Act

An employer may not discriminate against a job applicant or an employee for reasons related to parental leave when the employer is;

1. Taking decisions on employment, selecting a candidate for a job interview or implementing other measures during the recruitment process.
2. Taking decisions on promotion or selecting an employee for training for promotion.
3. Taking a decision or other action related to professional practice.
4. Taking decisions or implementing other measures concerning other training or provision of professional advice.
5. Applying salary level adjustments or any other conditions of employment.
6. Managing or distributing working tasks, or dismissing, terminating employment or laying off employees or taking other significant measures against an employee.
Public Sector Employment Act

Prosecution

According to Section 22 of the Public Employment Act, government agencies are required to report:

Anyone who is reasonably suspected to, in the course of his/her working tasks, have committed crimes that should be reported for prosecution if the suspicion relates to the following offences under the Criminal Code.

1. The taking of a bribe, Chapter 10 Section 5a.
2. Aggravated bribery, Chapter 10 Section 5c.
3. Misconduct or gross misconduct, Chapter 20 Section 1.
4. Breach of confidentiality, Chapter 20 Section 3, first paragraph.
5. Other crimes, if it can be assumed they will lead to penalties other than fines. Act (2012: 302).

The Official Secrets Act (2009:400)

The Official Secrets Act contains provisions on confidentiality in government agency activities. Data is only subject to confidentiality if there is no rule applicable to the confidentiality of the information in question.

Such provisions are found, inter alia, in Chapter 21 of the Act regarding information about an individual's health and residential address or other comparable information. Furthermore, there are secrecy provisions in Chapter 39 Sections 1-3 of the Official Secrets Act for HR social and administrative activities. 

The Criminal Code (1962:700)

The Criminal Code provides general protection against various forms of violations. It includes libel and serious sexual harassment, as well as various forms of sexual violence or coercion. Crimes are investigated by the police. A police investigation of an event that
falls under the penal provisions does not replace the employer/education provider’s investigative responsibilities under anti-discrimination legislation and may therefore run parallel with the employer/education provider’s investigation into the incident.

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5. Other crimes, if it can be assumed they will lead to penalties other than fines. Act (2012: 302).

The Official Secrets Act (2009:400)
The Official Secrets Act contains provisions on confidentiality in government agency activities. Data is only subject to confidentiality if there is no rule applicable to the confidentiality of the information in question. Such provisions are found, inter alia, in Chapter 21 of the Act regarding information about an individual’s health and residential address or other comparable information. Furthermore, there are secrecy provisions in Chapter 39 Sections 1-3 of the Official Secrets Act for HR social and administrative activities. [https://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Offentlighets--och-sekretessla_sfs-2009-400/](https://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Offentlighets--och-sekretessla_sfs-2009-400/).

The Criminal Code (1962:700)
The Criminal Code provides general protection against various forms of violations. It includes libel and serious sexual harassment, as well as various forms of sexual violence or coercion. Crimes are investigated by the police. A police investigation of an event that falls under the penal provisions does not replace the employer/education provider’s investigative responsibilities under anti-discrimination legislation and may therefore run parallel with the employer/education provider’s investigation into the incident.